

SENATE BILL 756  
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 7, Part 1; Title 6, Chapter 54; Title 8, Chapter 8, Part 2; Title 38 and Title 39, relative to law enforcement.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding the following language as a new, appropriately designated part:

Section 38-1-401. It is the intent of the general assembly that the provisions of this act shall apply to:

- (1) The Tennessee highway patrol;
- (2) County sheriffs' offices and municipal police departments in counties having a population in excess of ninety thousand (90,000) in accordance with the 2000 federal census or any subsequent federal census; and
- (3) At the discretion of the appropriate commissioner, safety director, chief or sheriff, county sheriffs' offices and municipal police departments in counties having populations less than ninety thousand (90,000) in accordance with the 2000 federal census or any subsequent federal census; such agencies shall notify the comptroller of the treasury of their intent to participate and shall participate pursuant to the provisions of § 38-1-402.

Section 38-1-402.

(a) Commencing on January 1, 2004, and continuing each calendar year thereafter, the highway patrol and each municipal police department and sheriff's office to which this act applies, using the form developed and promulgated pursuant to subsection (d), shall record and retain the following information with regard to all traffic stops, pedestrian stops and any other stops or detentions however brief:

(1) The number of persons stopped or detained;

(2) Characteristics of race, color, ethnicity, gender and age of such persons; provided, that the identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the stop or detention and such information shall not be required to be provided by the person stopped or detained;

(3) The nature of the stop or detention and, if a traffic stop, the alleged traffic violation;

(4) Whether a warrant or citation was issued, an arrest made or a search conducted as a result of the stop or detention; and

(5) If a search was conducted, the type of search, the legal basis for such search and whether contraband was discovered and property was seized as a result of such search.

(b) The highway patrol and each municipal police department or sheriff's office to which this section applies shall begin submitting data and information to the comptroller of the treasury on a monthly basis, beginning not later than February 1, 2004, by submitting, or electronically transferring, a copy of the form prescribed by the comptroller pursuant to subsection (d).

(c) Any law enforcement officer who in good faith records stop or detention information pursuant to the provisions of this section shall not be held civilly liable for the act of recording such information.

(d)

(1) The comptroller shall develop and promulgate forms, in both printed and electronic format, to be used by law enforcement officers and agencies for use in accurately recording all such information as is required pursuant to subsection (a).

(2) The comptroller shall, within the limits of existing resources, provide for a review of the prevalence and disposition of stops and detentions reported pursuant to this section. By February 1, 2005, and every year thereafter, the comptroller shall report to the governor and general assembly the results of such review, including any recommendations.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.